

EXHIBIT I

U.S. Department of
Homeland Security

United States
Coast Guard



Office of the Administrative
Law Judge
United States Coast Guard

Battery Park Building
One South Street
New York, NY 10004
Staff Symbol: ALJ-NY
Phone: 212-868-2860
Fax: 212-825-1230
Email:
Timothy.A.O'Connell@uscg.mil

5720
May 18, 2012

Mr. Anthony Eliseuson
SNR Denton US LLP
223 South Wacker Drive
Suite 7800
Chicago, IL 60606

RE: DHS FOIA APPEAL A-12-0022

Dear Mr. Eliseuson:

This letter is in response to your Freedom of Information Act (FOIA) appeal regarding the Department of Homeland Security (DHS) Office of General Counsel's (OGC or Agency) September 30, 2011 Final Response to your FOIA request PRIV 11-1242. Specifically you are appealing the "no records" determination by the Agency.

Your initial request received the Department of Homeland Security Privacy Office on or about September 1, 2011. That office determined that if responsive records existed, they would be under the purview of other DHS component Agencies. The Privacy Office forwarded your request to each of those Agencies, one of which was OGC. Please note, this letter only addresses the response from the Department of Homeland Security, Office of General Counsel.

In your initial request made twenty six (26) enumerated requests many with several sub-parts. In summary you sought documents related to the list of Tier III terrorist organizations:

A) A copy of the list of Tier III terrorist organizations kept by USCIS as referred to in *Ahmed v. Scharfen*, No. 08-1680, 2009 U.S. Dist. LEXIS 591 at *21 (N.D. Cal. Jan. 7, 2009), as it existed on December 15, 2008, when the government's counsel represented to the court that such a list exists;

B) A copy of each subsequent list of Tier III terrorist organizations kept by USCIS after the list referenced in *Ahmed v. Sharfen*;

C) All documents produced by the USCIS, DHS, or any other subcomponent of DHS in *Ahmed v. Scharfen*, No. 08-1680 (N.D. Cal.), not including documents that specifically relate only to Plaintiff Saeed Ahmed; and

D) Any documents listing or describing organizations which have been designated Tier III terrorist organizations but which have yet to be used as a basis of inadmissibility against an applicant.

In its Final Response OGC stated that they "conducted a comprehensive search of files within DHS-OGC for records that would be responsive to your request." The Agency determined they were unable to locate any responsive records.

Pursuant to a memorandum of agreement, the United States Coast Guard Office of the Chief Administrative Law Judge is reviewing the FOIA appeals for the Department of Homeland Security General Counsel. Therefore, the Office of the Chief Administrative Law Judge will be rendering the official appeal decision on behalf of the Department of Homeland Security.

After a thorough review of your appeal and all applicable documents, the Agency's decision is being remanded. The Agency is required to conduct a "reasonable search" pursuant to 5 U.S.C. § 552(a)(3). The undersigned attorney is unable to determine from the record whether a reasonable search was conducted by OGC. The file is therefore being remanded back to that Agency for further explanation and clarification as to how and where the search was conducted.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy A. O'Connell", written in a cursive style.

TIMOTHY A. O'CONNELL
Attorney Advisor
United States Coast Guard

Copy : FOIA Officer, Office of General Counsel

Sent: Via first class mail to the above address.